

RONALD L. RICHMAN (SBN 139189)  
SUSAN J. OLSON (SBN 152467)  
ARLENA V. CARROZZI (SBN 250116)  
BULLIVANT HOUSER BAILEY PC  
601 California Street, Suite 1800  
San Francisco, California 94108  
Telephone: 415.352.2700  
Facsimile: 415.352.2701  
E-mail: ron.richman@bullivant.com  
susan.olson@bullivant.com  
arlena.carrozzi@bullivant.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE  
LABORERS HEALTH AND WELFARE  
TRUST FUND FOR NORTHERN  
CALIFORNIA; BOARD OF TRUSTEES OF  
THE LABORERS VACATION-HOLIDAY  
TRUST FUND FOR NORTHERN  
CALIFORNIA; BOARD OF TRUSTEES OF  
THE LABORERS PENSION TRUST FUND  
FOR NORTHERN CALIFORNIA; and  
BOARD OF TRUSTEES OF THE  
LABORERS TRAINING AND RETRAINING  
TRUST FUND FOR NORTHERN  
CALIFORNIA,

Plaintiff,

vs.

ASHLEY HAWLEY RHODES, an individual  
d/b/a ASHLEY H. RHODES COMPANY,

Defendant.

Case No.: CV-12-02661 NC

**REQUEST TO DISMISS CASE  
WITHOUT PREJUDICE; ORDER  
THEREON**

1 Plaintiffs Laborers Trust Funds respectfully that this Court dismiss this entire action,  
2 without prejudice, on the following grounds:

3 On May 23, 2012, Plaintiffs Laborers Trust Funds filed their Complaint for Damages for  
4 Breach of Collective Bargaining Agreement and For a Mandatory Injunction (“Complaint”).  
5 Pursuant to the Complaint, Plaintiffs Laborers Trust Funds sought a mandatory injunctive order  
6 requiring Defendant Ashley Hawley Rhodes, an individual *doing business as* Ashley H. Rhodes  
7 Company (“Rhodes”) to submit to an audit of Rhodes’ books and records.

8 Despite repeated efforts to serve the Complaint on defendant Rhodes, Plaintiffs have  
9 been unable to effect service. Plaintiffs have exhausted all possibilities in their efforts to locate  
10 alternative address information for Rhodes, and remain unable to effect service of the  
11 Complaint.

12 Based on the above, Plaintiffs respectfully request that this Court dismiss this entire  
13 action, without prejudice.

14 DATED: August 22, 2012

15 BULLIVANT HOUSER BAILEY PC

16  
17 By /s/ Arlena V. Carrozzi  
18 RONALD L. RICHMAN  
19 SUSAN J. OLSON  
ARLENA V. CARROZZI  
Attorneys for Plaintiffs

**ORDER**

Plaintiff Laborers Trust Funds having submitted its Request to Dismiss Case, Without Prejudice and good cause appearing:

IT IS HEREBY ORDERED that this case is dismissed, without prejudice.

DATED: August 23, 2012

By

  
HON. NATHANAEL M. COUSINS  
UNITED STATES MAGISTRATE JUDGE